

<b>DOD: 1-8-09</b>		<b>NORMA M. KARMANN</b> was appointed Conservator of the Person and Estate and Letters issued on 3-21-02.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
			<u><b>As of 10-26-11, nothing further has been filed.</b></u>
<b>Cont. from 082311, 092711</b>		On 8-20-08, bond was set at \$40,000.00.	<b>1. Need final account and petition for termination/distribution per Probate Code §2620(b) or a verified status report (served on all necessary parties per Local Rule 7.5.)</b>
	Aff.Sub.Wit.	The Third Account was settled 8-20-08.	
	Verified		
	Inventory	On 7-24-09, the court set a status hearing for termination of the proceeding for deceased conservatee.	
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail	A status hearing filed 8-27-09 indicated that additional assets had been discovered, and that a Fourth Account would be filed. The Amended Fourth Account covering the period 9-22-08 through 1-8-09 (date of death) was settled on 8-13-10.	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections	On 6-28-11, the court set status hearing for 8-23-11 for termination of the proceeding for deceased conservatee and filing of the final account.	
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting	On 8-23-11, Counsel advised the Court that the bond has not been paid, but he is now in the position to prepare and file the final accounting.	
	Status Rpt	X	
	UCCJEA		
	Citation		
	FTB Notice	<b>On 9-27-11, Attorney Feigel informed the Court that she has a meeting next week with the Conservator for a signature on the accounting. The matter was continued to 11-1-11. If accounting is filed, no appearance is necessary.</b>  <b>As of 10-26-11, no accounting has been filed.</b>	

**Updates:****Contacts:** Reviewed 10-27-11**Recommendation:****Reviewed by:** skc**File 1 - Cormier**

Atty Kruthers, Heather H (for Petitioner/Conservator Public Guardian)

Atty Wright, Janet L (court appointed for Conservatee)

## (1) Second Account Current and Report Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney

Age: 69 years DOB: 5/31/1942		PUBLIC GUARDIAN, Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 9/22/08 – 4/6/11	<b>Continued to 12/8/11</b> at the request of the Attorney.
Cont. from		Accounting - \$440,374.61	
Aff.Sub.Wit.		Beginning POH - \$202,469.95	
✓ Verified		Ending POH - \$252,976.84	
Inventory		Conservator - \$16,049.20	
PTC		(130.05 Deputy hours @ \$96/hr and 46.90 Staff hours @ \$76/hr)	
Not.Cred.		Attorney - \$2,500.00 (per Local Rule)	
✓ Notice of Hrg		Bond fee - \$861.63 (o.k.)	
✓ Aff.Mail W/		Court fees - \$26.00	
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

## Petitioner prays for an Order:

1. Approving, allowing and settling the second account.
2. Authorizing the conservator and attorney fees and commissions
3. Payment of the bond fee

Reviewed by: KT

Reviewed on: 10/26/11

Updates:

Recommendation:

File 2 - Klein

## Probate Status Hearing Re: Filing of the Next Account

Age: 59 Years	<b>JESSICA BURNETT and BARBARA ROMERO</b> , daughters, were appointed Co-Conservators of the person and estate on 1/19/07, and are Petitioners. Bond was set at \$15,000.00. <i>Bond was filed and letters issued on 1/19/07.</i>  <u>Conservators' First Amended First Account was approved 5/24/11.</u>  <i>Status Report of Conservators</i> , filed 5/31/11, states: <ul style="list-style-type: none"> <li>The real property asset of the Conservatee is currently rented and occupied by a tenant who pays \$500.00 per month for rent;</li> <li>Conservators are in the process of providing information to their attorney necessary for the preparation of the Second Account;</li> <li>Conservatee's Workers' Compensation claim case has proceeded to trial; numerous witnesses have testified, however, the case has not yet been submitted to the Workers' Compensation Appeals Judge;</li> <li>It is anticipated that the Second Account and Report will be filed no later than June 20, 2011.</li> </ul>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Continued from 10/4/11. Minute Order states:</u> The Court notes for the record that Jessica Burnett is not responding or communicating with anyone. The Court finds that Jessica Burnett is not fulfilling her duties as a co-conservator. The Court on its own motion removes Jessica Burnett as co-conservator. The matter is continued to 11/1/11. The Court directs the Public Guardian to be present on 11/1/11.  1. Need Second Account and Report
DOB: 4/26/1952		
Cont. from 060911, 072111, 082911, 100411		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Age: 59 Years			<b>ATTORNEY HOLLY PEREZ</b> , Attorney of record for Conservators Jessica Burnett and Barbara Romero, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Continued from 10/4/11. Minute Order states:</u> The Court notes for the record that Jessica Burnett is not responding or communicating with anyone. The Court finds that Jessica Burnett is not fulfilling her duties as a co-conservator. The Court on its own motion removes Jessica Burnett as co-conservator. The matter is continued to 11/1/11. The Court directs the Public Guardian to be present on 11/1/11.
DOB: 4/26/1952				
Cont. from 082911, 100411				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg		<ul style="list-style-type: none"> <li>JESSICA BURNETT and BARBARA ROMERO, daughters of Decedent, were appointed Co-Conservators of the person and estate on 1/19/07 and letters issued that same date;</li> <li>On 8/21/07, the <i>Inventory &amp; Appraisal</i> was filed showing the value of the estate to be \$226,357.76;</li> <li>The <i>Amended First Account and Report</i> covering the period from 10/30/06 to 1/30/10 was approved and settled by order of this Court on 11/4/10 and the order signed on 5/24/11;</li> <li>The <i>Second Account and Report</i> has not been prepared or filed and is now past due;</li> <li>Co-Conservator Jessica Burnett is no longer communicating or cooperating with Petitioner;</li> <li>Petitioner has been advised that Ms. Burnett is also not communicating or cooperating in any meaningful way with Co-Conservator Barbara Romero Castro;</li> <li>Therefore, it has become impossible for Petitioner to continue as the attorney of record in this matter.</li> </ul>	
✓	Aff.Mail	w		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice		<b>Petitioner requests a court order:</b> <b>Allowing Petitioner and her law firm to withdraw as attorney of record in the matter, and determining that Petitioner and her law firm are removed as attorney of record in this matter.</b>	

Reviewed by: NRN
Reviewed on: 10/28/11
Updates:
Recommendation:
File 3B - Castro

Age: 59 Years		<b>JESSICA BURNETT and BARBARA ROMERO</b> , daughters, were appointed Co-Conservators of the person and estate on 1/19/07, and are Petitioners. Bond was set at \$15,000.00. <i>Bond was filed and letters issued on 1/19/07.</i> <ul style="list-style-type: none"> <li>In her <i>Petition to Withdraw as Attorney of Record</i> (see Page 2B), Attorney Perez states in part: <ul style="list-style-type: none"> <li>The <i>Second Account and Report</i> has not been prepared or filed and is now past due;</li> <li>Furthermore, Conservator Jessica Burnett is no longer communicating or cooperating with Petitioner and Petitioner has been advised that Ms. Burnett is also not communicating or cooperating in any meaningful way with Co-Conservator Barbara Romero Castro.</li> </ul> </li> </ul> <p><b>Continued from 10/4/11. Minute Order states: The Court notes for the record that Jessica Burnett is not present. Ms. Perez advises the Court that Jessica Burnett is not fulfilling her duties as a co-conservator. The Court on its own motion removes Jessica Burnett as co-conservator. The Court sets the matter for an Order to Show Cause Re: Contempt on 11/1/11. The Court orders Jessica Burnett to be present on 11/1/11 and bring with her any documents and materials regarding the conservatorship. The Court directs the Public Guardian to be present on 11/1/11.</b></p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
DOB: 4/26/1952			
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: NRN	
		Reviewed on: 10/28/11	
		Updates:	
		Recommendation:	
		File 3C - Castro	

DOD: 01/29/08		SHERRI VAUGHT, Administrator, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:	
				<b><u>CONTINUED TO 11/28/11</u></b>	
		Account period: 04/06/09 – 09/08/11		<b>Per Attorney's request</b>	
Cont. from		Accounting - \$11,777.17		1. The Inventory & Appraisal filed 07/01/09 is incomplete at item 5 regarding the Property tax certificate.	
	Aff.Sub.Wit.	Beginning POH- \$0		2. The accounting is incomplete pursuant to Probate Code § 1061. The Accounting states that the beginning property on hand is \$0; however, an Inventory & Appraisal has been filed in this matter reflecting assets of the estate in the amount of \$166,000.00. The Accounting further does not list gains/losses on sales of property and other information required pursuant to Probate Code § 1061.	
✓	Verified	Ending POH - \$11,777.17		3. The Petitioner states that the statutory compensation to the Administrator is \$471.08, which is based upon the remaining property on hand. The fee base for determining statutory fees is to be determined as follows: Inventory & Appraisal + receipts + gains on sales – losses on sales. Since the accounting does not state the values of any of those items, there is no way to determine the correct fee base or statutory fee. Need updated accounting pursuant to Probate Code § 1061.	
✓	Inventory	Executor - \$471.08		4. Schedule B of the Petition indicates that real property of the estate was sold, however the Petition does not list or describe this sale. Pursuant to California Rules of Court 7.250 all actions taken without prior court approval under IAEA if notice of proposed action was required must be listed and described in the Petition.	
	PTC	x	Attorney - waives	5. The Petition does not make a statement regarding the notices required under Probate Code § 9202(b) and (c) – to the California Victims Compensation Board and The Franchise Tax Board.	
✓	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail	w/	<b>Distribution, pursuant to intestate succession, is to:</b>		
	Aff.Pub.		Sherri Vaught - \$5,653.04		
	Sp.Ntc.		Victoria Rapp - \$5,653.04		
	Pers.Serv.				
	Conf. Screen				
	Letters	04/06/09			
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202	x			
✓	Order				
	Aff. Posting			Reviewed by: JF	
	Status Rpt			Reviewed on: 10/26/11	
	UCCJEA			Updates:	
	Citation			Recommendation:	
	FTB Notice	x		File 4 - Vaught	

Atty Keeler, William J. (for Petitioners Linda Star and Ray Talley, beneficiaries)

Atty Harris, Richard A. (for Respondents Caroline Ponte, Barbara Waltemire and Gladys Hamett)

Status Re: Documents Filed

			<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>OFF CALENDAR.</b> Dismissal entered on 10/24/11.
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 11/27/11
			Updates:
			Recommendation:
			File 5 - Ponte

Atty Kruthers, Heather H., of County Counsel (for Public Guardian, Successor Trustee and Conservator of the Person and Estate of Marjorie C. Hudson)

Atty Durost, Linda K., sole practitioner (for Phillip Hudson and Debra Hudson (*former* Co-Trustees))

**Order to Show Cause Re: Failure to File Accounting From Former Co-Trustees**

		<p><b>PHILLIP HUDSON and DEBRA HUDSON</b> were acting Successor Co-Trustees of the <b>HUDSON TESTAMENTARY TRUST dated 11/17/1986</b> as of 10/19/2004.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need accounting from former Co-Trustees, Phillip Hudson and Debra Hudson, per Court order dated 4/5/2011.</p> <p><b>Note: Substitution of Attorney was filed on 10/26/2011 for both Phillip Hudson and Debra Hudson indicating they are now represented by Attorney Linda Durost.</b></p>
		<p><b>PALM VILLAGE RETIREMENT COMMUNITY</b> had petitioned for the <b>PUBLIC GUARDIAN</b> to be appointed as Conservator of the Person and Estate of <b>MARJORIE C. HUDSON</b>, Trust beneficiary who resided in that facility, in Case No. 09CEPR01011. <b>Minute Order dated 2/9/2010</b> which appoints the Public Guardian as Conservator states: "All powers of attorney and any other powers to act as trustee are revoked forthwith.... Nobody other than the Public Guardian is to do anything with any assets of any form."</p>	
<b>Cont. from</b>		<p><b>PUBLIC GUARDIAN</b> filed on <b>2/17/2011</b> a petition for appointment as successor trustee of the Hudson Testamentary Trust. <b>Order Appointing Public Guardian as Successor Trustee and Compelling Former Co-Trustees to Account signed on 4/5/2011</b> finds that Phillip Hudson and Debra Hudson are ordered to account to this Court and the Public Guardian for all Trust activity from the date of their appointment, but no later than from 10/19/2004, and the accounting is to be filed by <u>7/12/2011</u>.</p>	
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>		<p><b>Minute Order dated 7/12/2011</b> from the hearing set for the accounting from the former Co-Trustees states Counsel [Heather Kruthers] advises the Court that Ms. Hudson contacted her and informed her that she needed more time to prepare the accounting. The Court continues the matter to 9/20/2011.</p>	
<b>Inventory</b>			
<b>PTC</b>		<p><b>Minute Order dated 9/20/2011</b> from the continued status hearing for the former Co-Trustees' accounting states Ms. Kruthers advises the Court that the Public Guardian has had no communication with Debra Hudson and Phillip Hudson. The Court sets the matter for an Order to Show Cause on 11/1/2011. The Court orders Debra Hudson and Phillip Hudson to be present on 11/1/2011 with or without an accounting. The Court further orders that Debra Hudson and Phillip Hudson turn over all documents related to the Trust to the Public Guardian.</p>	
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>		<p><b>Clerk's Certificate of Mailing filed 9/23/2011</b> shows a copy of the <i>Minute Order</i> dated 9/20/2011 was mailed to Phillip Hudson and Debra Hudson on 9/23/2011.</p>	
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			

**Reviewed by:** LEG

**Reviewed on:** 10/26/11

**Updates:** 10/27/11

**Recommendation:**

**File 6 - Hudson**



		<b>RONALD A. MINASIAN, JR.</b> , Trustee, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  Continued from 10/4/11.
		Petitioner states on 4/14/09, Marylin Minasian, as settlor, executed the Marylin Minasian 2009 Revocable Trust.	
Cont. from 091311, 100411		Marylin Minasian died on 4/18/09.	
	Aff.Sub.Wit.	Petitioner states this petition is brought to request that the court instruct petitioner, as trustee of the Trust, that he may sell the real property to himself in his individual capacity.	
✓	Verified	Petitioner states on 2/28/11, he filed a Petition to Instruct Trustee as to Distribution of Residue of Trust Estate. All property of the Trust has been distributed except those which are to be distributed as part of the residue of the Trust estate. Among the assets that are part of the residue of the Trust estate is approximately 19.75 acres of agricultural land which also contained the Trustor's residence.	
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Pursuant to the terms of the Trust, the residual Trust estate is to be distributed to Ronald Minasian (Petitioner) and his sister, Deborah Minasian-Row. Deborah Minasian-Row died intestate on 4/1/10. She was and continues to be survived by her husband, Michael Row, by no issue and by neither of her parents. She died in the State of Maryland. Petitioner has received no notice of, or has no knowledge of, any proceedings being opened to administer the estate of Deborah Minasian-Row (although petitioner has received notice that Michael Row has begun to attempt to do so).	
		On 4/20/11 in response to Petitioner's original Petition to Instruct Trustee, this Court entered its Order Instructing Trustee to Distribute the Residue of the Trust Estate as follows:  <i>Please see additional page</i>	
		<b>Reviewed by: KT</b>	
		<b>Reviewed on: 10/26/11</b>	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 7 - Minasian</b>	

- a. To distribute ½ of the residue of the Trust estate available for distribution, free of trust, to such person or persons and/or entity or entities, and in such further proportions, as are duly determined, under the laws of the State of Maryland or other appropriate jurisdiction, to be the person or persons and/or entity or entities entitled to the estate of Marylin Minasian's deceased daughter, Deborah Minasian-Row; and
- b. To distribute the remaining ½ of the Trust estate available for distribution, free of trust, to Ronald A. Minasian, Jr.

Petitioner states Article Eight, Paragraph M, of the Trust gives the Trustee of the Trust in the Trustee's sole and absolute discretion, the express power to purchase Trust assets at their fair market value as determined by an independent appraisal.

Prior to filing the original Petition to Instruct Trustee, Petitioner obtained an appraisal of the property from Wayne A. Carstens, and licensed appraiser. Mr. Carstens' original appraisal of the real property as of 12/24/10 at \$247,000. However, in discussion with Mr. Carstens after the hearing on the original Petitioner to Instruct Trustee, it was learned that Mr. Carstens had reasonably understood that he was to appraise the real property as farm land, without regard to the residence on the real property. On June 1, 2011 Mr. Carstens modified his appraisal to include the real property and found the fair market value of the property to be \$292,000. More recently, Mr. Carstens submitted an update to his appraisal which appraised the real property at \$302,000.

Petitioner states at the time of Marylin Minasian's death, she owned the real property and other assets outside of the Trust. A probate was commenced and during the administration of the estate Rick Smith was appointed as the Probate Referee. As part of the inventory and appraisal filed in the probate proceedings, Rick Smith assigned a fair market value of the property as of the date of death of Marylin Minasian on 4/18/2009 at \$1,500,000. Due to the huge difference between the value of Mr. Carstens' appraisal and Rick Smith's appraisal Petitioner contacted Mr. Smith to issue a new report on the real property's value. Mr. Smith's revised report values the real property at \$350,000.

Petitioner proposes to purchase the real property for \$326,000. This purchase price is the midway point between the value assigned by Mr. Carstens and the value assigned by Mr. Smith.

Petitioner proposes reduce the purchase price by monies owed to him from the trust estate as follows:

- a. Payments due to him under a Secured Promissory Note of \$109,835.31.

Petitioner states that shortly after Marylin Minasian's death she owned a combined federal and state tax liability of \$95,185.00. The trust contained little or no cash so there was no ability to pay this liability. Therefore, on 6/10/10, Petitioner loaned the trust the sum of \$98,598.00, which was then the combined amount of the estates federal and state tax liability, including interest and penalties.

*Please see additional page*

## **7 (additional page) In the Matter of the Marylin Minasian Trust**

**Case No. 11CEPR00152**

The loan is evidenced by a Promissory Note which, in turn was secured by a Deed of Trust on the Real property. The promissory note provides for a simple interest rate of 10% per year on unpaid principal until paid in full. The Promissory Note also provides that it shall be repaid upon the sale of the real property.

No portion of the principal or interest on the Promissory Note has been paid and there will be an accrued but unpaid interest on the Promissory Note as of July 31, 2011, in the amount of \$11,237.31, and at \$27.01 per day until the consummation of the sale to Petitioner.

- b. Advances made on behalf of the Trust at \$64,964.56. Petitioner states he is entitled to reimbursement from the Trust.
- c. Trustee's Fees at \$54,000.00. Petitioner states Article Twelve, Paragraph C, of the Trust provides that the Trustee may pay himself a reasonable compensation from time to time without prior court order.

The total amount due to petitioner from the trust for the above items is \$228,799.87.

- d. Petitioner ½ interest in the net value of the real property is \$48,600.06. Petitioner proposed to apply this interest to the purchase price.
- e. To the extent that the above amounts are not sufficient to pay the full amount of the purchase price, Petitioner intends to pay the Trust cash in an amount sufficient to pay the remainder of the purchase price.

**Petitioner prays for an order instructing the Trustee that the Trustee may sell the real property of the Trust to himself, in his individual capacity, on the following terms:**

- 1. The purchase price of the real property shall be \$326,000.00;
- 2. The Trustee may apply to the purchase price the amount of principal and interest due him on his loan to the Trust \$109,835.31 as of 7/31/11, and an additional 27.01 for each day after 7/31/11, until the consummation of the sale.
- 3. The Trustee may apply to the purchase price his advances on behalf of the Trust in the amount of \$64,383.77;
- 4. The Trustee may apply to the purchase price his fee in the amount of \$54,000;
- 5. The Trustee may apply to the purchase price his ½ beneficial interest in the real property
- 6. The Trustee shall pay the remainder of the purchase price in cash at the close of escrow.

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 04/21/11			<b>ROBIN L. TRIMBLE</b> , named executor without bond, is petitioner.  Full IAEA – o.k.  Will dated: 9/2/1994  Residence: Orange Cove Publication: Fresno Business Journal  <u><b>Estimated value of the estate:</b></u> Real property - \$116,000.00  Probate Referee: <b>Steven Diebert</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>CONTINUED FROM 10/04/11</b></u>  As of 10/26/11, the following issue remain outstanding:  1. Need proof of service of the Notice of Petition to Administer the Estate on Mildred Trimble, named alternate executor. Probate Code §8110(b). 2. Will is not self-proving, pursuant to Probate Code 8220. Need <i>Affidavit of Subscribing Witness</i> .
Cont. from 082411; 100411				
	Aff.Sub.Wit.	x		
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			
✓	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: JF	
			Reviewed on: 10/26/11	
			Updates:	
			Recommendation:	
			File 8 – Trimble	

		<b>PATRICIA PERLHEFTER</b> , Trustee of the <b>DONNELLY FAMILY LIVING TRUST</b> as restated on 1-29-05 (the “Trust”), is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>OFF CALENDAR</b></u>  Amended petition filed 10-28-11 is set for hearing on 12-6-11.
<b>Cont. from 092811</b>		Petitioner states Settlor Bertram James Donnelly and Helen Anna Donnelly are both deceased. The Trust contains a separate trust for the benefit of the Settlor’s daughter, <b>MARIE CAROLYN DONNELLY</b> . Upon Marie’s death, any separate trust funds are to be distributed to her issue (Michael Jones, Shiela Corrigan and Matthew Jones).	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		The designated successor trustees decline to serve. Petitioner requests to resign as Trustee of the separate trust created for Marie’s benefit, and that the Court appoint <b>LOREE JONES</b> , Marie’s daughter-in-law (married to Michael Jones) as Successor Trustee of the separate trust.  Petitioner further requests the Court grant Ms. Jones the authority to designate one or more successor trustees, and if she fails to do so, that Petitioner (Trustee of the Trust) be authorized to designate the successor trustee(s).  Petitioner also seeks correction of a “minor scrivener’s error” in the Trust. The sentence designating the purpose of the separate trust for Marie’s benefit is incomplete and grammatically incorrect. The sentence currently reads:  “The primary purpose of this trust is to provide a supplemental and emergency MARIE CAROLYN DONNELLY during her lifetime.”  Petitioner requests correction (Emphasis added):  “The primary purpose of this trust is to provide a supplemental and emergency <b><i>fund to supplement any public benefits available to</i></b> MARIE CAROLYN DONNELLY during her lifetime.”  Petitioner listed and has sent notice to the primary beneficiary of this separate trust (Marie), the remainder beneficiaries (Marie’s three children), the proposed Successor Trustee (Loree Jones), who consents to appointment, and the named successor trustees, who decline to serve.	Reviewed by: skc Reviewed on: 10-28-11 Updates: Recommendation: File 9 - Donnelly

First Account and Report of Trustee and Petition for Its Settlement [Prob. C. 16062 (a), 6063 & 17200(b)(5)]

George Hagopian DOD: 11-25-07		<p>LISA NESGIS, Trustee, is Petitioner.</p> <p><b>Account period: 5-12-10 through 6-30-11</b></p> <p>Accounting: \$3,152,369.61          Beginning POH: \$2,944,025.60          Ending POH: \$2,750,106.65</p> <p><b>Petitioner prays for an order that:</b></p> <ol style="list-style-type: none"> <li>The account be settled, allowed and approved; and</li> <li>All acts and transactions of Petitioner be ratified, confirmed and approved.</li> </ol> <p><b>Beneficiary GEORGETTE KARABIAN filed Objections and a Request for Judicial Notice</b> of records, documents and pleadings filed in related trust cas 11CEPR00181 "In Re George and Julia Hagopian Living Trust dated March 7, 1991."</p> <p>Objector states there is another case involving the same trust pending before this Court involving the administration of the trust by the current trustee for a period of time from 4-26-04 (when Lisa began serving as co-trustee with Settlor) to 5-12-10 (Settlor Julia Hagopian's date of death), at which time the trust became irrevocable.</p> <p>In the prior action, the Court has already heard and ruled on an application for business records directly related to the Trust for the period of time the Trust was revocable. In its ruling of 7-26-11, the Court held the contingent beneficiaries had a right to obtain Trust financial documents for the relevant period and denied Lisa's motion to quash said application. This account is for the period <u>after</u> the trust became irrevocable.</p> <p>Because of the continuity of the two cases and the similarity of the issues presented, the use of Trust funds by Trustee, the potential material breach of her duties as Trustee and requests for accountings, separated only the death of the surviving settlor, it is therefore requested that the Court take judicial notice of the records, documents and pleadings in the related action. <i>[Examiner has provided the file to the Court for reference.]</i></p> <p style="text-align: center;"><b>SEE PAGE 2</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> This case is related to 11CEPR00181 in which Beneficiary Georgette Karabian filed a petition to compel an accounting. Later, upon review of trust records, Beneficiary Stephen Hagopian filed a declaration that specifically questions two checks written from the trust account to the trustee personally: for \$20,000.00 and \$10,000.00. That declaration is the last item filed prior to this accounting. Examiner notes that the account explains this type of transaction and also reflects other similar transactions. See below:</p> <ol style="list-style-type: none"> <li>The accounting reflects that money was routinely transferred from the trust account to the Trustee's personal checking account and trust disbursements are paid from there (Page 6, ¶ 11.b.). Ending POH indicates \$86,713.12 of trust funds remain in Trustee's personal checking account.</li> </ol> <p>The account does not indicate whether personal funds are commingled with trust funds in this account; however, this practice appears to be in violation of Probate Code §16009 (trustee's duty to keep trust property separate from other property not subject to the trust).</p> <p>The Court may require clarification and may not ratify Petitioner's actions regarding this practice.</p> <ol style="list-style-type: none"> <li>Need order.</li> </ol>
Julia Hagopian DOD: 5-12-10			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

**First Account and Report of Trustee and Petition for Its Settlement [Prob. C. 16062  
(a), 6063 & 17200(b)(5)]**

**Page 2 of 3 - SUMMARY (Continued):**

As a result of filing this accounting with the Court for approval, the Court obtains supervisory power over the trust and such approval of account. The account is therefore subject to the accounting requirements of Probate Code §§1060-1064, and beneficiaries or other interested persons are entitled to discovery of documents. By notice of 10-13-11, Objector has served on the Trustee a “Request for Supporting Documents of account” (attached) under Probate Code §10901. The Trustee has provided the documents; however, they are extensive and final review is not yet complete.

**Objections include:**

- Transfer of funds to Trustee’s personal account. Such withdrawals are contrary to the duty of loyalty of the trustee (§16002), duty to avoid conflict of interest (§16004) and duty to keep trust property separate (§16009).

Petitioner’s claim that this practice was initiated prior the death of the surviving settlor is not appropriate justification for such withdrawals and commingling of trust funds, particularly after the trust become irrevocable and the Trustee’s complete duty of loyalty is to the current income and principal beneficiaries.

The trust had existing accounts from which certain disbursements were made. Objector notes that the amounts withdrawn are not reconciled to existing and actual expense and the alleged justification is inappropriate under probate law and creates a presumptive breach of fiduciary duty as trustee.

- Objector questions certain credit card and collections payments made totaling \$14,598.18. Objector states the surviving settlor was ill the last two years of her life, and the settlors were conservative and cautious and never had credit cards, or even shopped, to Objector’s knowledge, at Nordstrom’s or Macy’s. If any credit charges were made by them, charges were minimal and paid in full every month.

These questionable payments were made after the death of the surviving settlor; therefore, the amounts should be verified as expenses incurred for the surviving settlor rather than for the trustee or her family members. Objector states that from 2008 until her date of death, the surviving settlor resided with her son Stephen Hagopian and did not and could not incur such expenses.

- There are discrepancies between the disbursements noted as “funeral expenses” totaling \$11,759.99 and certain checks to the trustee that contain funeral notations totaling \$36,000.00.
- The trust incurred expenses during the account period totaling \$7,726.81 related to the Reedley property; however, because the property is specifically devised, such expenses should be charged against that devisee’s share. *[Examiner notes that the property is devised to the trustee Lisa Nesgis.]*
- The trust incurred expenses during the account period totaling \$7,726.81 related to the Reedley property; however, because the property is specifically devised, such expenses should be charged against that devisee’s share. *[Examiner notes that the property is devised to the trustee Lisa Nesgis.]*
- \$3,000.00 paid to Attorney David Hollingsworth with reference to a claim of “property loss which had been denied by State Farm” – Objector states the trustee, evidently on behalf of the trust, entered into a retainer agreement with said attorney regarding this “claim;” however, none of this information was reported to Objector prior to hiring the attorney as required by Probate Code §16060, which requires that the trustee keep the beneficiaries of the trust reasonably informed of the trust and its administration.”

Objector believes Attorney Hollingsworth has received the funds, but has declined to proceed with the case or return any of the retainer.

**SEE PAGE 3**

**First Account and Report of Trustee and Petition for Its Settlement [Prob. C. 16062  
(a), 6063 & 17200(b)(5)]**

**Page 3 of 3 - SUMMARY (Continued):**

- Objector objects to the valuation of personal property received by her from the trust as “Household Furniture and Personal Effects (Estimated) - \$10,000.00” The items were sold at auction for a total value of \$445.00, less commission. The trustee’s value is inflated and incorrect.
- Objector objects to the payment of \$1,000.00 to the Bulldog Foundation, which is explained that the surviving settlor had been a member since 2003. Objector states the settlors did not participate in Bulldog Foundation activities and would have been 81 in 2003 and was not in any way concerned with CSUF sports activities. Lisa, however, has been a Bulldog Foundation member for many years. Therefore, such an expenditure by the trust is objected to and is not a legitimate trust expense.

**Objector concludes that it is not clear from the account what appropriate disbursements have been made for the benefit of the trust and its administration after the death of the surviving settlor. Petitioner’s improper and unjustified “withdrawals” of trust funds into her personal accounts, the sums of money she has been received that have been disbursed for actual expenses related to administration of the trust, as opposed to trustee’s personal expenses, cannot be determined from this account and confirms that the account is incomplete and the trustee is in violation of her fiduciary duties. Therefore, the trust should not be approved and the trustee should not be exonerated from any liability in regard to her administration of the trust.**

**Objector prays:**

- 1. That the account be denied and the trustee be required to provide a further more detailed account and report addressing the objections;**
- 2. That the trustee be ordered to return to the trustee all withdrawals or transfers to the trustee, personally or to other immediate family members of the trustee, with legal interest charged thereon;**
- 3. That the objections be sustained;**
- 4. That the trustee be ordered forthwith to render a true and correct legally sufficient and verified account;**
- 5. That this account and report not be settled and allowed as filed;**
- 6. That the trustee be required to produce all documents and records as required under Probate Code §10900 to support her account and report, including copies of all credit card charges and receipts for personal disbursements;**
- 7. That the Objector be allowed attorney’s fees and costs; and**
- 8. That there be a surcharge for financial harm caused to the trust by trustee’s actions (under Chartard v. Oveross (2009) 179 Cal.App.4<sup>th</sup> 1098**



DOD: 2/24/11		<b>GLORIA V. AGUILAR DE FRANCE</b> , Trustee of the Bobby Lee De France Revocable Trust, dated 10/16/2006, is petitioner.  40 days since DOD.  No other proceedings.  Will dated 10/16/2006 devises entire estate to the Bobby Lee De France Revocable Trust, dated 10/16/2006.  I & A - <b>\$86,850.00</b>  <b>Petitioner requests</b> Court determination that Decedent's interest in real property, a 1974 V.W. Beetle and a 2005 Ford Focus passes to her as Trustee of the Bobby Lee De France Revocable Trust dated 10/16/2006.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Attachment 11 of the petition does not state the decedent's interest in the property as required.  2. Need declaration of Trustee pursuant to Local Rule 7.12.5 setting forth the name of the trust, its establishment date, taxpayer identification number, verifying that the trust is in full force and effect, and that the trustee has an executed copy of the trust in her possession.	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W/
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: KT Reviewed on: 2/26/11 Updates: Recommendation: File 11 – De France	

**Petition for Letters of Administration; Authorization to Administer Under IAEA  
(Prob. C. 8002, 10450)**

<b>DOD: 2/10/11</b>		<p><b>RICHARD GONZALES</b>, son, is petitioner and requests appointment as Administrator with bond set at \$22,000.00.</p> <p>Petitioner was appointed as Special Administrator on 9/28/11. Letters of Special Administration expire on 11/1/11.</p> <p>Limited IAEA – o.k.</p> <p>Decedent died intestate.</p> <p>Residence: Fresno  Publication: Fresno Business Journal.</p> <p><u><b>Estimated value of the estate:</b></u>  Personal property - \$ 20,000.00  Real property - \$ 90,000.00  <b>Total - \$110,000.00</b></p> <p><b>Probate Referee: RICK SMITH</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Declaration of Richard Gonzales, Special Administrator, in Support of Letters of Administration filed on 10/31/11</b> states he has had the opportunity to view the real property asset of the estate and has determined that said property contains to personal property of any value, nor any vehicles that were believed to be on the property. He is requesting only Limited IAEA authority and therefore requests that bond not be required.</p>
<b>Cont. from</b>			
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b> W/		
✓	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
✓	<b>Letters</b>		
✓	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		

<b>Reviewed by: KT</b>
<b>Reviewed on: 10/26/11</b>
<b>Updates: 10/31/11</b>
<b>Recommendation:</b>
<b>File 12 - Gonzales</b>

**Probate Status Hearing Re: Filing of the Petition for Final Distribution**

<b>DOD: 8/25/07</b>		<p><b>MARIA KAPSSOF</b> is Executor.</p> <p>On 9/24/09 the court approved the first account with the account period ending on 6/30/2009. The ending property on hand was <b>\$313,645.79</b>.</p> <p><b>Minute order dated 9/24/09</b> set this status hearing for the status of the petition to close the estate.</p> <p><b>Status Statement filed 8/19/11</b> states the estate is not in a condition to close because of efforts to sell the residence are continuing. An agreement has been reached to sell the property for \$165,000. The buyer is in the process of completing inspections and obtaining an appraisal. Escrow is scheduled to close the last week of September. <b>It is requested the status hearing be continued to the first week of November.</b></p> <p><b>Status Statement filed on 11/28/11</b> states the personal representative accepted an offer on the property and her attorney mailed a Notice of Proposed Action to the appropriate parties. One of the beneficiaries objected to the sale. Therefore, the personal representative will need to file a petition with the court to confirm the sale. <b>Accordingly, a 90 day continuance is requested.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>1. Need current status report or Petition for Final Distribution. – Status Statement filed on 10/28/11.</b></p>
<b>Cont. from: 051310, 111810, 012011, 042111, 082311</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 10/26/11</b></p> <p><b>Updates: 10/31/11</b></p> <p><b>Recommendation:</b></p> <p><b>File 13 - Ledaiev</b></p>	

Atty Lind, Ruth P., sole practitioner (for Petitioner Julie Carter, Co-Conservator of the Estate)  
 Pro Per Lane, Forrest (Pro Per Co-Conservator of the Estate)

Status Re: Third Account and Report of Conservator; Petition for Allowance of Fees to Attorney and Conservator

Age: 94 years	<b>JULIE CARTER</b> , daughter, and	<b>NEEDS/PROBLEMS/COMMENTS:</b>  Note: This case was transferred from Calaveras Superior Court on 4/1/2008; the first and second accounts in this case were heard in Calaveras County.  Note: <i>Minute Order</i> dated 10/4/2011 from the last hearing states the Court advises counsel that it is continuing this matter for the purpose of balancing the account and will approve the third account once that issue has been taken care of and reviewed. The Court approves the petition for attorney fees.  <u>Note regarding balancing of account:</u> <ul style="list-style-type: none"> <li>The issue was raised at the last hearing that the <i>Summary of Account</i> lists the Property on Hand at Beginning of Account Period as \$17,771.58, and that this amount did not match the \$22,367.25 Property on Hand at the End of the <i>Second Account</i> period on the <i>Summary of Account</i> filed on 2/6/2008 in the Calaveras Superior Court case.</li> <li><i>Declaration Re: Beginning Balance</i> filed 10/4/2011 explains that the \$4,595.67 difference between the ending and beginning amounts of property on hand from the second to the third account periods is a result of the Property on Hand at the end of the second account period having been listed incorrectly; the balance should have been listed as \$17,771.58 based upon the clearing of a check drawn on the cash in the bank account on 6/30/2007, which date falls <u>after</u> the end of the second account period, causing the cash balance to be incorrectly reflected at the end of the second account.</li> </ul>
DOB: 1/22/1917	<b>FORREST LANE</b> , son, Co-Conservators of the Person and Estate, are Petitioners.	
	<u>Account period: 6/1/2007 – 12/31/2009</u>	
Cont. from	Accounting - \$77,781.14	
Aff.Sub.W	Beginning POH - \$17,771.58	
✓ Verified	Ending POH - \$18,251.49 (\$14,051.49 is cash)	
Inventory		
PTC		
Not.Cred.	Conservator - \$5,975.00 (for Julie Carter, per itemization, for 6/1/2007 – 12/31/2010 totaling 239 hours @ \$25.00/hr)	
✓ Notice of Hrg		
✓ Aff.Mail		
Aff.Pub.	Attorney - \$2,990.00* (per Declaration filed 8/24/2011; 14.95 hours @ \$200.00/hr for services through 8/15/2011;)	
Sp.Ntc.	* <i>Order After Hearing Approving Attorney Fees</i> was signed on 10/5/2011.	
Pers.Serv.		
Conf. Screen		
Letters		
Duties/S	Bond - 70,000.00 (Sufficient; Declaration Regarding Bond filed on 9/29/2011 states that Attorney Lind has been informed by Petitioner Julie Carter that the \$70,000.00 bond with State Farm Insurance is still in effect; Bond Stipulation was filed on 5/18/2004 at the time of establishment of this conservatorship in Calaveras County indicating bond of \$70,000.00 was posted at that time.)	
Objection		
Video Receipt		
✓ CI Report		
✓ 2620		
✓ Order	<b>Petitioner prays for an Order:</b> 1. Approving, allowing and settling the Third Account; and 2. Authorizing the conservator and attorney fees and commissions.	
Aff. Post		
Status Rpt	<b>Court Investigator Jo Ann Morris' Report</b> filed 2/17/2011 recommends the conservatorship continue as is.	
UCCJEA		
Citation		
FTB Notc		
		Reviewed by: LEG
		Reviewed on: 10/27/11
		Updates:
		Recommendation:
		File 14 – Lane

**Order to Show Cause Re: Failure to File Proof of Blocked Account & Money Being Held**

Age: 11	<p><b>ELENA PENA</b>, sister, was appointed Guardian of the Person and Estate on 07/26/11 and Letters were issued on 07/28/11.</p> <p>An <b>Order to Deposit Money Into Blocked Account</b> was signed 07/26/11 ordering all funds of the minor to be placed in a blocked account.</p> <p><b>Minute Order from hearing on 07/26/11</b> set a status hearing regarding proof of the Blocked Account &amp; Money Being Held for 09/20/11.</p> <p><b>Minute Order from hearing on 09/20/11</b> states: No appearances. The Court sets the matter for an Order to Show Cause on 11/01/11. The Court orders Elena Pena to be present on 11/01/11 whether or not the proof of blocked account has been filed. Clerk's Certificate of Mailing filed 09/23/11 shows that the minute order was mailed to Elena Pena on 09/23/11.</p> <p><b>Notice of Taking Possession or Control of an Asset of Minor or Conservatee filed 09/28/11 by Metlife Total Control Account</b> reflects that the guardian, Elena Pena, has taken control of the minors assets in the amount of \$211,865.50 from Metlife.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. <b>Need Receipt and Acknowledgement of Order for the Deposit of Money into Blocked Account.</b></p>
DOB: 10/31/00		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 11/27/11</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 15 – Robinson-Cervantes</b></p>	

DOD: 5/27/10		RICHARD HICKS, son, is petitioner.  40 days since DOD.  No other proceedings.  Decedent died intestate.  I & A - NEED  Petitioner requests Court determination that decedent's property pass to him because he has lived in the property since it was purchased by the decedent and no other heir has shown an interest in the property.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Petition was filed using a fee waiver. Costs of administration (filing fee) must be paid prior to distribution of the real property.  2. Petition indicates that the decedent was survived by 5 children. Probate Code §13151 states the petition must be joined by all who succeed to the real property. Therefore all of the decedent's children must join in to the petition as petitioners.  3. #9a(3) of the petition was not answered re: issue of predeceased child.  4. Need Inventory and Appraisal.  5. Need Notice of Hearing.  6. Need proof of service of the Notice of Hearing on: a. Linda Dittus (daughter) b. Radford Hicks (son) c. Benjimine Hicks (son) d. Sally Hicks (daughter)  7. Need Order
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT Reviewed on: 10/27/11 Updates: Recommendation: File 16 - Hicks

**Petition to Determine Succession to Real Property and Personal Property  
 Estates \$100,000 or Less**

<b>DOD: 4/3/10</b>		<b>SANDRA FULLER</b> , surviving spouse, is petitioner.  40 days since DOD.  No other proceedings.  I & A - Need  Decedent died in testate.  Petitioner requests ???	<b>NEEDS/PROBLEMS/COMMENTS:</b>  Continued from 9/21/11. Minute order states no appearances. The Court continues the matter to 11/1/11 and directs Joseph Boyd to file the corrected documents by that date. The Court orders Joseph Boyd to be present on 11/1/11. If the documents are filed by 11/1/11, no appearance will be necessary. (Note: A copy of the minute order was mailed to Joseph Boyd on 9/23/11) <i>As of 10/26/11 there have been no additional documents filed.</i>  Need Amended Petition base on the following:  1. Need Notice of Hearing.  2. Need proof of service of the Notice of Hearing on: a. Shannon Dawn Sanchez (daughter) b. Chad Alan Fuller (son)  3. Pursuant to the petition, Decedent died intestate, survived by his spouse and two children. Therefore pursuant to Probate Code §6400 et seq. the property would pass to the surviving spouse and children. Pursuant to Probate Code §13150 et seq. the petition must be joined in by all those who have succeeded to the property. Need amended petition with all persons who succeed to the property.  4. Need Inventory and appraisal  5. Need attachment 11 containing the legal description of the real property and personal property.  6. Signatures of Petitioner and attorney are not dated.  7. Need attachment 13 containing the specific property interest claimed by the petitioner.  8. Need Order
Cont. from 082211, 092111			
Aff.Sub.Wit.			
✓ Verified			
Inventory	X		
PTC			
Not.Cred.			
Notice of Hrg	X		
Aff.Mail	X		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Reviewed by: KT			
Reviewed on: 9/14/11			
Updates:			
Recommendation:			
File 17 - Fuller			

DOD: 6/1/11		<b>JUDY J. JOLLY</b> , mother, is petitioner.  40 days since DOD.  No other proceedings.  Decedent died intestate.  I & A - \$85,000.00  Petitioner requests Court determination that Decedent's interest in real property located in Fresno passes to her pursuant to intestate succession.	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
Cont. from 100411				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			N/A
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
		Reviewed by: KT Reviewed on: 10/26/11 Updates: 10/28/11 Recommendation: File 18A - Miranda		



**19 Nicholas Balero, Alyssa Duarte, Lucas Duarte, Starr Duarte and Dominick Duarte (GUARD/P)**

**Case No. 11CEPR00774**

**Atty Perez, Rosie (pro per Petitioner/paternal grandmother)**

**Petition for Appointment of Guardian of the Person (Prob. C. 1510)**

<b>Nicholas age: 10 years</b> <b>DOB: 1/30/01</b>		<p><b>THERE IS NO TEMPORARY.</b> No temporary was requested.</p> <p><b>ROSIE PEREZ</b>, paternal grandmother, is petitioner.</p> <p>Nicholas's father: <b>UNKNOWN</b></p> <p>Father of remaining minors: <b>LUCAS PEREZ DUARTE</b> – <i>consents and waives notice.</i></p> <p>Mother: <b>VANESSA BALERO</b> – <i>personally served on 9/6/11.</i></p> <p>Nicholas' paternal grandparents: Unknown</p> <p>Paternal grandfather of remaining minors: Lucas Duarte – <i>consents and waives notice.</i></p> <p>Maternal grandfather: Manuel Balero – <i>served by mail on 9/8/11.</i></p> <p>Maternal grandmother: Julie Salinas – <i>served by mail on 9/8/11.</i></p> <p><b>Petitioner states</b> the children have lived with her on and off since 2009. Petitioner states she provides a stable home and supports them. The children were living with her since 2/2011. The mother came and picked up the children 8/2011. The children are now living with different relatives.</p> <p><b>Court Investigator Charlotte Bien's Report filed on 10/21/11.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> A competing petition has been filed by the maternal grandmother, Julie Salinas, and is set for hearing on 1/5/12.</p> <p><u>Note:</u> Petition states the identity of Nicholas' father and paternal grandparents is unknown. Declarations of Due Diligence were filed on 9/6/11.</p>
<b>Alyssa age: 9 years</b> <b>DOB: 2/12/02</b>			
<b>Lucas age: 8 years</b> <b>DOB: 12/27/02</b>			
<b>Starr age: 6 years</b> <b>DOB: 7/6/05</b>			
<b>Dominick age: 3 years</b> <b>DOB: 5/28/08</b>			
<b>Cont. from</b>			
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b> W/		
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
✓	<b>Pers.Serv.</b> W/		
✓	<b>Conf. Screen</b>		
✓	<b>Letters</b>		
✓	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
✓	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		

<b>Reviewed by: KT</b>
<b>Reviewed on: 10/27/11</b>
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 19 – Duarte &amp; Balero</b>

Shawnt'e age: 13 years DOB: 5/24/1998		<u><b>Temporary Expires 11/1/11</b></u>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Deondre age: 12 years DOB: 3/4/1999			
		<b>LILLIAN WADE</b> , maternal grandmother, is petitioner.	<ol style="list-style-type: none"> <li>Need <i>Notice of Hearing</i>.</li> <li>Need proof of personal service, 15 days prior to the hearing, of the <i>Notice of Hearing</i> along with a copy of the petition or consent and waiver of notice or declaration of due diligence on: <ol style="list-style-type: none"> <li>Shawnt'e Russell (minor, age 13)</li> <li>Deondre Taylor (minor, age 12)</li> <li>Deondre's father (unknown)</li> </ol> </li> <li>Need proof of service, 15 days prior to the hearing, of the <i>Notice of Hearing</i> along with a copy of the petition or consent and waiver of notice or declaration of due diligence on: <ol style="list-style-type: none"> <li>Shawnt'e's paternal grandparents</li> <li>Maternal grandfather</li> </ol> </li> <li>UCCJEA does not include the minors' residence information for the past 5 years. Need residence information for 2006-2007.</li> <li>UCCJEA is incomplete at question #4, Petitioner's knowledge of another court case or custody or visitation proceedings concerning a child subject to this proceeding.</li> <li>UCCJEA is incomplete at question 6 Petitioner's knowledge of any person who is not a party to this proceeding who has physical custody or visitation rights with any child in this case.</li> <li>Confidential Guardianship Screening form is incomplete. Petitioner failed to answer question 6 and questions 13-19. And failed to give the minor's contact information, questions 20-21.</li> </ol>
Cont. from			
	Aff.Sub.Wit.	Mother: <b>TRAMISHA COLLINS</b> - <i>Deceased</i>	
✓	Verified		
	Inventory	Shawnt'e's paternal grandparents: not listed Deondre's paternal grandparents: not listed Maternal grandfather: not listed.	
	PTC		
	Not.Cred.	Petitioner states mom was killed in 2009. The children have lived with her ever since. They have no one else.	
	Notice of Hrg		
	Aff.Mail	<b>Court Investigator Samantha Henson's Report filed on 10/25/11.</b>	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		

Pro Per Reynoso, Rufina Santamaria (Pro Per Petitioner, paternal grandmother)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Jennifer Age: 13 yrs DOB: 11/20/1997 <hr/> Hazel Age: 9 yrs DOB: 1/30/2002 <hr/> Sally Age: 5 yrs DOB: 3/25/2006 <hr/> Amy Age: 3 yrs DOB: 5/8/2008 <hr/> Mike Age: 1 yr DOB: 3/12/2010 <hr/> Cont. from <hr/> <input type="checkbox"/> Aff.Sub.Wit. <hr/> <input checked="" type="checkbox"/> Verified <hr/> <input type="checkbox"/> Inventory <hr/> <input type="checkbox"/> PTC <hr/> <input type="checkbox"/> Not.Cred. <hr/> <input type="checkbox"/> Notice of Hrg <hr/> <input type="checkbox"/> Aff.Mail <hr/> <input type="checkbox"/> Aff.Pub. <hr/> <input type="checkbox"/> Sp.Ntc. <hr/> <input type="checkbox"/> Pers.Serv. <hr/> <input checked="" type="checkbox"/> Conf. Screen <hr/> <input type="checkbox"/> Aff. Posting <hr/> <input checked="" type="checkbox"/> Duties/Supp <hr/> <input type="checkbox"/> Objections <hr/> <input type="checkbox"/> Video Receipt <hr/> <input checked="" type="checkbox"/> CI Report <hr/> <input checked="" type="checkbox"/> Clearances <hr/> <input checked="" type="checkbox"/> Order <hr/> <input checked="" type="checkbox"/> Letters <hr/> <input type="checkbox"/> Status Rpt <hr/> <input checked="" type="checkbox"/> UCCJEA <hr/> <input type="checkbox"/> Citation <hr/> <input type="checkbox"/> FTB Notice	<p align="center"><b>NO TEMPORARY REQUESTED</b></p> <p><b>RUFINA SANTAMARIA REYNOSO</b>, paternal grandmother, is Petitioner.</p> <p>Father: <b>ARTEMIO MEDRANO</b>; <i>incarcerated; nominates Petitioner, consents and waives notice;</i></p> <p>Mother: <b>EDITH GARCIA</b>; <i>deceased;</i></p> <p>Paternal grandfather: Guillermo Medrano</p> <p>Maternal grandfather: Felipe Garcia Maternal grandmother: Naborina Estrada</p> <p><b>Petitioner states</b> the children's father is in jail, the children's mother is deceased, and the children have been living with Petitioner since June 2011 when the father placed them with her and she has provided for their day-to-day needs. Petitioner states she needs guardianship so she can make their health and education decisions, and the school recently requested that the Petitioner provide them with a guardianship order.</p> <p><b>Court Investigator Charlotte Bien's Report</b> was filed on 10/11/2011.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Note: Petitioner is Spanish-speaking only.</p> <ol style="list-style-type: none"> <li>1. Need <i>Notice of Hearing</i>.</li> <li>2. Need proof of personal service of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice</i>, for:           <ul style="list-style-type: none"> <li>• Jennifer Medrano, proposed ward (age 13).</li> </ul> </li> <li>3. Need proof of service by mail of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence</i>, for:           <ul style="list-style-type: none"> <li>• Felipe Garcia, maternal grandfather;</li> <li>• Naborina Estrada, maternal grandmother;</li> <li>• Guillermo Medrano, paternal grandfather.</li> </ul> </li> </ol>
		Reviewed by: LEG <hr/> Reviewed on: 10/27/11 <hr/> Updates: <hr/> Recommendation: <hr/> File 21 - Medrano

Age: 11	<b><u>TEMPORARY GRANTED EX PARTE;</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>
DOB: 05/02/00	<b><u>EXPIRES 11/01/11</u></b>		
	<b><u>GENERAL HEARING 12/15/11</u></b>		<ol style="list-style-type: none"> <li>1. Need <i>Notice of Hearing</i>.</li> <li>2. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Temporary Guardianship or Consent and Waiver of Notice or Declaration of Due Diligence</i> on: <ul style="list-style-type: none"> <li>- Michael Brown (father)</li> <li>- Lynna Vasquez (mother)</li> </ul> </li> <li>3. UCCJEA is incomplete, the minor's residence is only listed since 10/15/11. Need minor's residence information for the past 5 years.</li> <li>4. Need Probate Guardianship Questionnaire.</li> </ol>
Cont. from	JENNY YONHWA SUMMERS, paternal grandmother, is Petitioner.		
Aff.Sub.Wit.	Father: MICHAEL BROWN		
✓ Verified	Mother: LYNNASQUEZ		
Inventory	Paternal grandfather: NOT LISTED		
PTC	Maternal grandparents: NOT LISTED		
Not.Cred.	Petitioner states that the mother is being investigated for abuse, endangerment and neglect. CPS has placed the minor in petitioners care to keep her safe.		
Notice of Hrg	x		
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	x		
✓ Conf. Screen			
Letters	x		
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	x		
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
			Reviewed by: JF
			Reviewed on: 10/27/11
			Updates:
			Recommendation: copy of notes in file
			File 22 - Rodriguez